

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Linh Van Nguyen

Docket No. 5:17-CR-184-1D

Petition for Action on Supervised Release

COMES NOW Haley Huntley, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Linh Van Nguyen, who, upon an earlier plea of guilty to Bank Fraud, in violation of 18 U.S.C. § 1344, was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge, on January 30, 2018, to the custody of the Bureau of Prisons for a term of 366 days. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months. Linh Van Nguyen was released from custody on January 31, 2019, at which time the term of supervised release commenced. On July 31, 2019, a Violation Report was submitted to the Court reporting that the defendant was \$320.00 in arrears on his financial obligation. No action was taken, and the defendant was continued under supervision. On March 16, 2021, a Violation Report was submitted to the Court reporting that the defendant was in arrears on his financial obligation. The defendant was issued a letter of reprimand and was continued on supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On July 7, 2022, a Violation Notice was received from U.S. Probation Officer Chantal Williams in the Middle District of North Carolina reporting that the defendant traveled numerous times without permission, to include an international cruise. As a result, a new Monthly Cash Flow Statement was completed, and it was determined that the defendant is able to make payments in the amount of \$150.00 monthly. Additionally, the probation office in the Middle District of North Carolina has requested that the defendant be placed on Home Detention with Radio Frequency (RF) technology for a period of 180 days to address the unapproved travel. It is further recommended that the defendant be responsible for payment of the program. The defendant signed a Waiver of Hearing agreeing to the proposed modifications of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 180 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer. The defendant must pay all of the cost of the program.
2. Restitution in the amount of \$128,686.18 is due immediately and shall be paid in installments at the rate of \$150.00 per month until paid in full, with the first payment due on September 1, 2022. It is recommended that the interest be waived pursuant to 18 U.S.C. § 3612(f)(3).

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Keith W. Lawrence
Keith W. Lawrence
Supervising U.S. Probation Officer

/s/ Haley Huntley
Haley Huntley
U.S. Probation Officer
150 Rowan Street Suite 110
Fayetteville, NC 28301
Phone: 910-354-2533
Executed On: July 7, 2022

ORDER OF THE COURT

Considered and ordered this 8 day of July, 2022, and ordered filed and
made a part of the records in the above case.

James C. Dever III
James C. Dever III
U.S. District Judge